HOUSE BILL No. 1192

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2-244.3; IC 13-23.

Synopsis: Notice of underground storage tank leaks. Requires notice to affected or potentially affected property owners of a release of a contaminant from an underground storage tank system.

Effective: July 1, 2007.

Ulmer

January 11, 2007, read first time and referred to Committee on Environmental Affairs.



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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

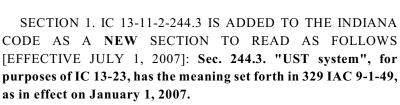
Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1192

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:



SECTION 2. IC 13-23-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A person who violates a rule adopted under IC 13-23-1-2 by:

- (1) knowingly failing to give a required notification; or
- (2) submitting false information; is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each underground storage tank for which a required notification is not given or for which false information is submitted.
- (b) A person who violates IC 13-23-16 as described in IC 13-23-16-5 is subject to a civil penalty of not more than ten thousand dollars (\$10,000) for each incident with respect to a UST system for which:

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1	(1) a required notice is not given; or	
2	(2) false information is submitted.	
3	SECTION 3. IC 13-23-16 IS ADDED TO THE INDIANA CODE	
4	AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE	
5	JULY 1, 2007]:	
6	Chapter 16. Notice to Property Owners	
7	Sec. 1. A citation in this chapter to a rule refers to the rule as in	
8	effect on January 1, 2007.	
9	Sec. 2. This chapter applies to a person required to report:	
10	(1) the discovery of released regulated substances at an	
11	underground storage tank site or in the surrounding area	
12	under 329 IAC 9-4-1(1); or	
13	(2) a spill or overfill under 329 IAC 9-4-4(a).	
14	Sec. 3. A person must give notice of the release, spill, or overfill	
15	referred to in section 2 of this chapter to the owner of a parcel of	
16	real property if the person:	
17	(1) knows or has reasonable cause to believe that the released,	
18	spilled, or overfilled substance has migrated to the parcel; or	
19	(2) has reasonable cause to believe that the released, spilled,	
20	or overfilled substance will migrate to the parcel.	
21	Sec. 4. The notice required under this chapter must:	
22	(1) be made by certified mail;	
23	(2) be postmarked not later than ten (10) days after the	
24	deadline for the report to the department under 329	
25	IAC 9-4-1(1) or 329 IAC 9-4-4(a); and	
26	(3) include:	
27	(A) the same information reported to the department	
28	under 329 IAC 9-4-1(1) or 329 IAC 9-4-4(a); and	V
29	(B) a statement of the grounds for the knowledge or belief	
30	referred to in section 3 of this chapter.	
31	Sec. 5. A person who violates this chapter by:	
32	(1) failing to give; or	
33	(2) submitting false information in;	
34	the notice required by this chapter is subject to a civil penalty	
35	under IC 13-23-14-2.	

